

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed and considered the Office Action mailed on June 8, 2010, and the references cited therewith.

Claims 26, 29, and 52 are amended, claims 22, 25, 27-28, and 30 are canceled, claims 1-21 and 31-51 are withdrawn, and no claims are added; as a result, claims 1-21, 23-24, 26, 29, and 31-52 are now pending in this application.

#### **Examiner Interview Summary**

Applicant and Examiner Mendoza conducted telephone interviews on August 4, 2010, and September 1, 2010, to discuss claim language and amendment thereof in light of the references cited in the present Office Action. Although Examiner Mendoza appeared to appreciate how the amended claim language is distinguishable from the teachings of the cited references, no agreement appears to have been reached as to allowability thereof pending a search for additional references. Applicant thanks Examiner Mendoza for his time and consideration.

#### **§103 Rejection of the Claims**

Claims 23-24, 26, and 30 were rejected under 35 USC § 103(a) as being allegedly unpatentable over Martin, et al. (U.S. Patent No. 6,361,637) in view of McDonald (U.S. Patent No. 5,676,697) in view of Armstrong, et al. (U.S. Patent No. 6,827,731). Applicant respectfully traverses the rejection as follows.

Applicant notes that the Martin reference appears to teach a “method of making a kink resistant stent-graft”. (Title). Applicant further notes that the McDonald reference appears to teach a “two-piece, bifurcated intraluminal graft for repair of aneurysm”. (Title). In addition, the Armstrong reference appears to teach a “deployment system for intraluminal devices”. (Title).

However, following review of the Martin, McDonald, and Armstrong references, Applicant respectfully submits that the references, individually or in

combination, do not teach, suggest, or render obvious a rolled graft, including a generally tubular graft flattened against itself and rolled onto itself into a cylindrical configuration, where the graft includes a larger diameter main section and two smaller diameter sections at an axial end of the larger diameter section, where the two smaller diameter sections are both disposed within the main section to enable a length of said rolled graft to be shortened during delivery inside a body lumen, in combination with an expansion element disposed axially within the rolled graft, further including a temporary covering surrounding and restraining the graft in the cylindrical configuration, where the temporary covering includes a rip cord or a ribbon along its length, such that the temporary covering is released when the rip cord or the ribbon is pulled.

In contrast, Applicant's independent claim 26, as currently amended, presently recites:

A rolled graft, comprising a generally tubular graft flattened against itself and rolled onto itself into a cylindrical configuration, wherein said graft includes a larger diameter main section and two smaller diameter sections at an axial end of said larger diameter section, wherein the two smaller diameter sections are both disposed within the main section to enable a length of said rolled graft to be shortened during delivery inside a body lumen, in combination with an expansion element disposed axially within said rolled graft, further comprising a temporary covering surrounding and restraining said graft in said cylindrical configuration, wherein said temporary covering comprises a rip cord or a ribbon along its length, such that said temporary covering is released when the rip cord or the ribbon is pulled.

As such, Applicant respectfully submits that the Martin, McDonald, and Armstrong references, individually or in combination, do not teach, suggest, or render obvious each and every element and limitation of Applicant's independent claim 26, as currently amended. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of independent claim 26, as currently amended, as well as those claims that depend therefrom.

Claim 29 was rejected under 35 USC § 103(a) as being allegedly unpatentable over Martin in view of McDonald in view of Armstrong as applied to claim 26 above, and further in view of Sgro (U.S. Patent No. 6,063,112). Applicant respectfully traverses the rejection as follows.

Claim 29 depends from independent claim 26. As presented above, Applicant respectfully submits that independent claim 26, as currently amended, is in condition for allowance in light of the deficiencies of the Martin, McDonald, and Armstrong references. Applicant respectfully submits that the Sgro reference does not cure the deficiencies of the Martin, McDonald, and Armstrong references. That is, the Martin, McDonald, Armstrong, and Sgro references, individually or in combination, do not teach, suggest, or render obvious each and every element and limitation of Applicant's independent claim 26, as currently amended.

Claim 52 was rejected under 35 USC § 103(a) as being allegedly unpatentable over Martin in view of Ravenscroft (U.S. Patent No. 5,755,770). Applicant respectfully traverses the rejection as follows.

Section 14 of the present Office Action appears to acknowledge that the Martin reference does not teach two smaller diameter sections at an axial end of the larger diameter section. Sections 15-16 go on to state, however, that the Ravenscroft reference does so and also teaches that the two smaller sections can be inverted into the main graft. Applicant respectfully disagrees as presented below.

Applicant notes that the Ravenscroft reference appears to teach, referring to Figure 5, "the graft 20 is shown expanded and deployed between the thoracic artery 1 and the right iliac artery 11." (Col. 4, lines 49-51). Ravenscroft appears to go on to teach in column 4, lines 53-58:

The second stent 22 is shown engaging the right iliac artery 11 to hold the left leg 23 in place. With the delivery mechanism illustrated in FIG. 4, the graft 20 has been delivered with the stents 21 and 22 in place within graft 20. The right leg 24 of the graft has been inverted within the graft during the delivery.

Hence, as shown in Figure 5, Ravenscroft appears to teach that, when the graft 20 is expanded and deployed, the left leg 23 is in its naturally extended position such that the second stent 22 engages the right iliac artery to hold the left leg 23 in place, whereas only the right leg 24 of the graft 20 has been inverted within the graft 20 during the delivery thereof. As such, Applicant respectfully submits that Ravenscroft appears to teach that during delivery the graft 20 has a length at least from stent 21 at one end of the graft to stent 22 near the end of extended left leg 23, which is necessarily extended to hold the left leg 23 in place by engaging the right iliac artery 11.

The Ravenscroft reference also appears to teach with regard to Figure 1, “A first inversion of the hem 33 forms a first cuff 34. In the preferred embodiment the hem 33 is inverted a second time to form a second cuff 35 which opens away from the proximal open end 30.” (Col 3, lines 21-24). Examination of Figure 1 shows that the first and second cuffs cause folding of portions of the leg within itself and not that the two smaller diameter sections are disposed within the main section.

In contrast, Applicant’s independent claim 52, as currently amended, presently recites:

A rolled graft, comprising a generally tubular graft flattened against itself and rolled onto itself into a cylindrical configuration, wherein said graft includes a larger diameter main section and two smaller diameter sections at an axial end of said larger diameter section, wherein the two smaller diameter sections are disposed within the main section whereby a length of said rolled graft is shortened during delivery inside a body lumen.

Hence, Applicant respectfully submits that Ravenscroft teaches away from a statement that the two smaller sections can be inverted into the main graft. Moreover, Applicant respectfully submits that the Martin and Ravenscroft references, individually or in combination, do not teach, suggest, or render obvious that the two smaller diameter sections are disposed within the main section whereby a length of the rolled graft is shortened during delivery inside a body lumen.

As such, Applicant respectfully submits that the Martin and Ravenscroft references, individually or in combination, do not teach, suggest, or render obvious each and every element and limitation of independent claim 52, as currently amended. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of independent claim 26, as currently amended.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's below listed attorney at (612) 236-0126 to facilitate prosecution of this matter.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being electronically filed with the United States Patent and Trademark Office on this 7<sup>th</sup> day of

September, 2010.

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